



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson  
Greg Sellers, Vice-Chairperson  
Larry Carr, Agency Member  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member

### COUNCIL MEMBERS

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Larry Carr, Council Member  
Hedy Chang, Council Member  
Steve Tate, Council Member

**WEDNESDAY, SEPTEMBER 22, 2004**

### AGENDA

### JOINT MEETING

### REDEVELOPMENT AGENCY SPECIAL AND REGULAR MEETING

and

### CITY COUNCIL SPECIAL MEETING

**5:45 P.M.**

*A Special Redevelopment Agency and Special City Council Meeting Is Called at 5:45 P.M. for the Purpose of Conducting an Interview for the Mobile Home Rent Commission, Closed Sessions and City Business.*

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**Dennis Kennedy, Mayor**

### CALL TO ORDER

(Chairperson/Mayor Kennedy)

### ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

### DECLARATION OF POSTING OF AGENDA

**Per Government Code 54954.2**

(Agency Secretary/City Clerk Torrez)

**5:45 P.M.**

## ***City Council Action***

1. **CONDUCT INTERVIEW AND APPOINT TO FILL A VACANCY ON THE MOBILE HOME RENT COMMISSION**.....1  
**Recommended Action(s):** **Conduct** Interview and Appoint to Fill an Unexpired Term Ending June 1, 2005.

**6:00 P.M.**

## ***Redevelopment Agency Action and City Council Action***

### **CLOSED SESSION:**

1.

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 2

2.

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957  
Public Employee Performance Evaluation: City Manager  
Attendees: City Council, City Manager

3.

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Authority: Government Code 54957  
Public Employee Performance Evaluation: City Attorney  
Attendees: City Council, City Attorney

4.

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority: Pursuant to Government Code 54956.9(a)  
Case Name: City of Morgan Hill v. Howard Vierra  
Case Number: Santa Clara County Superior Court, Case No. 1-04-CV-026723

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

**RECOGNITION**

Loritta Johnson  
Recipient of Santa Clara County Office of Education Teacher Recognition Award  
*Mayor Kennedy*

**COMMENDATION**

Police Officer David Ray  
*Mayor Kennedy and Interim Chief of Police Cumming*

**CITY COUNCIL SUBCOMMITTEE REPORTS**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**ITEM 2**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

2. **AUGUST 2004 REDEVELOPMENT AGENCY FINANCE & INVESTMENT REPORT .....5**  
**Recommended Action(s): Accept and File Report.**

## ***City Council Action***

### **CONSENT CALENDAR:**

#### **ITEMS 3-7**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
3.	<b><u>AUGUST 2004 FINANCE &amp; INVESTMENT REPORT</u></b> .....	15
	<b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	
4.	<b><u>FINAL MAP APPROVAL FOR MORGAN STATION (TRACT 9585)</u></b> .....	39
	<b><u>Recommended Action(s):</u></b>	
1.	<u>Approve</u> the Final Map, Including the Abandonment of an Excess Portion of East Central Avenue;	
2.	<u>Approve</u> the Subdivision Agreement and Improvement Plans;	
3.	<u>Authorize</u> the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and	
4.	<u>Authorize</u> the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.	
5.	<b><u>INDOOR RECREATION CENTER – APPROVE CONSULTANT AGREEMENT FOR PHASE I CONSTRUCTION MANAGEMENT SERVICES</u></b> .....	51
	<b><u>Recommended Action(s):</u></b> <u>Authorize</u> the City Manager to Execute a Consultant Agreement with Nova Partners, Inc. for a Total Fee not to exceed \$114,800, Subject to City Attorney Review and Approval.	
6.	<b><u>REJECTION OF BIDS FOR BOYS RANCH RESERVOIR #3</u></b> .....	57
	<b><u>Recommended Action(s):</u></b> <u>Reject</u> the Bids Received on September 8, 2004 for the Construction of the Boy's Ranch Reservoir #3 and <u>Authorize</u> Staff to Re-bid the Project.	
7.	<b><u>APPROVE JOINT SPECIAL CITY COUNCIL, SPECIAL PLANNING COMMISSION, AND SPECIAL ARCHITECTURAL REVIEW BOARD MEETING MINUTES OF SEPTEMBER 8, 2004</u></b> .....	67

## ***Redevelopment Agency and City Council Action***

### **CONSENT CALENDAR:**

#### **ITEMS 8-9**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
8.	<b><u>CARRYOVER OF ENCUMBRANCES FROM FISCAL YEAR 2003-2004</u></b> .....	81
	<b><u>Recommended Action(s):</u></b> <u>Receive</u> and <u>File</u> Report.	
9.	<b><u>FINAL FISCAL YEAR 2003-2004 BUDGET ADJUSTMENTS</u></b> .....	85
	<b><u>Recommended Action(s):</u></b> <u>Approve</u> the Proposed Final Budget Adjustments for Fiscal Year 2003-2004.	

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
10.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT FOR DAN GAMEL, INC.</u></b> .....	89
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Ordinance by Title Only. (Roll Call Vote)	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
11.	2 Minutes	<b><u>AWARD CONTRACT TO ABCO CONSTRUCTION TO MOVE THE HISTORIC LA MALFA HOUSE</u></b> .....	115
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Award</u></b> \$30,000 Construction Contract to ABCO Construction for the La Malfa House Move, subject to Review and Approval by Agency Counsel; and	
		2. <b><u>Authorize</u></b> the Expenditure of Contingency Funds Not to Exceed \$6,000.	
12.	10 Minutes	<b><u>EXTENSION OF EXCLUSIVE RIGHT TO NEGOTIATE AGREEMENT (ERN) WITH EL TORO BREWING</u></b> .....	117
		<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the Executive Director to Prepare, Negotiate, and Execute an Amendment to the ERN with El Toro Brewing to Extend the ERN Deadline to November 30, 2004, with Provisions to Allow for a 60-Day Extension Subject to Specific Conditions as Detailed in the Revised Schedule of Performance.	

## ***City Council Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
13.	20 Minutes	<b><u>WATER RATES</u></b> .....	121
		<b><u>Recommended Action(s):</u></b> <b><u>Accept</u></b> and <b><u>File</u></b> the Report.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**